

REMARKS

Applicant has cancelled all the claims except for independent claim 15, which has been amended to incorporate the limitations from previously depending claims 16 and 17. Claims 15-17 were rejected under 35 U.S.C. § 103 as being obvious over Barker in combination with Hall and Safely. Applicant respectfully traverses this rejection, and requests reconsideration of claim 15 and new depending claim 28. The remaining rejections and the double patenting objection are moot.

Claim 15 provides that the body of the jar has a curved profile which curves outwardly and then inwardly from the lower end toward the upper end, and further provides that the interior cross sectional area enlarges from a first value to a second maximum value and then decreases to a third value progressing between the upper and lower ends so as to enhance blending action in the jar. Claim 15 also requires that the jar have a plurality of ribs extending inwardly in the body to enhance blending.

The primary reference, Barker, discloses a blender jar with internal ribs, but does not meet the limitations of claim 15 regarding the curvature and the interior cross sectional areas. The Examiner asserts that it would be obvious to one of ordinary skill in the art to modify the shape of the Barker jar to that shown by Hall and Safely, "so as to provide a better flow and continuous circulation of the material for processing by the blade of Barker." The Examiner asserts that both Hall and Safely provide flow of material along the walls and back into the center of the vessel. However, this alleged motivation for combining Hall and Safely with Barker is insufficient for a *prima facie* case of obviousness, since the Barker jar already achieves such continuous circulation of the flow of material within the jar. More particularly, as described in Barker at column 2, lines 22-34, the ribs 17 create an upward lift which forms a vortex back

through the center of the jar wherein blending action takes place. Since the Barker jar already provides lift of the material along the interior wall and then back into the center of the jar, there is no reason to modify the Barker jar to the shapes shown by Hall and/or Safely which would provide the same flow of material. Furthermore, Safely requires the material to be forced downwardly along the center by the auger, as seen in Figure 1 and described at lines 62-70. Absent the auger in Safely, there is no teaching or suggestion that the material would flow up the walls and back down the center, as suggested by the Examiner.

Therefore, since the Examiner's alleged motivation lacks any clear and particular support or evidence in the prior art references, the § 103 rejection of claim 15 should be withdrawn.

New dependent claim 28 provides that the knife resides only adjacent the lower end of the jar such that the jar is free of internal rotating structure in the maximum cross sectional area. This limitation is supported in Figure 2 which shows that the rotating blades are below the maximum cross sectional area which resides approximately at the broken line 4-4. In comparison, in Hall and Safely, the rotating mixing structure extends substantially along the full height of the jar, while Barker utilizes a rotating blade approximately at the middle of the jar height. Therefore, claim 28 further distinguishes over the cited references.

Conclusion

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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